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NUNN, GATES CLASH OVER REPORTING OF INTELLIGENCE ACTIVITY  
BY ROBERT DOHERTY

WASHINGTON (UPI) — Sen. Sam Nunn, D-Ga., and Robert Gates, the man nominated to lead the CIA, apparently have a little trouble seeing eye to eye on the director's obligation to report illegal intelligence activity to Congress.<

One of the harshest exchanges of Tuesday's Senate Intelligence Committee confirmation hearing for Gates began when Nunn asked Gates if he would feel obliged to advise Congress of illegal activity by the National Security Council staff.<

Gates replied he feels his "first obligation" would be to report to the attorney general and has never believed the NSC, which had the major role in the sale of U.S. arms to Iran, was an "intelligence entity."<

The answer angered Nunn, the Senate Armed Services Committee chairman who has been mentioned as a possible 1988 presidential candidate.<

"If you've got no compunction whatsoever to report what is without any doubt an intelligence activity from a congressional point of view ... we've got a serious problem in the law," Nunn said, adding sarcastically: "The obvious thing to do is to just shift everything over to the NSC and let her roll."<

Gates further angered the senator and set off the following exchange by saying the NSC staff's role in the Iran matter was "primarily a diplomatic activity" for which the CIA was "providing operational support."<

Nunn: "Sending guns to Iran and ammunition and TOW missiles is a diplomatic activity? The State Department is going to have to get a different kind of uniform if that's the case. That's a diplomatic activity?"<

Gates: "It's an activity that the State Department, along with the Department of Defense, undertakes."<

Nunn: "Running guns covertly to Iran is a diplomatic activity?"<

Gates: "I wouldn't characterize it that way."<

Nunn: "Mr. Gates, we can't write a law to cover that."<

Gates later said he did not intend to say he would not inform Congress of illegal NSC activity and felt he had an obligation to report to Congress and the attorney general "if there is an illegal activity in association with an intelligence activity."<

But that answer also appeared to leave Nunn dissatisfied, and the Democrat returned to the topic later in the hearing, asking Gates whether he would have to have absolute proof of illegal activity before he made the notification.<

"I would be prepared to (notify) at a threshold (of) less than conclusive evidence," Gates replied, saying he wanted to clarify his earlier statements.<